

## INTERIM RULEMAKING NOTICE FORM

Proposed Interim Rule Number	Rule Number      Env-Ws 1400
<b>1. Agency Name &amp; Address:</b>  Department of Environmental Services, Water Division PO Box 95 29 Hazen Drive Concord, NH 03302	<b>2. RSA Authority:</b> <u>RSA 483-B:17</u> <b>3. Federal Authority:</b> <u>n/a</u> <b>4. Type of Action:</b> Adoption      _____ Amendment      _____ Repeal      _____ Readoption <u>  X  </u> Readoption w/amendment
<b>5. Filing Date:</b>	

**6. Short Title:**      Shoreland Protection Rules

**7. Contact person for copies and questions including requests to accommodate persons with disabilities:**

<b>Name:</b> Gretchen Hamel <b>Address:</b> Department of Environmental Services 29 Hazen Drive PO Box 95 Concord, NH 03302	<b>Title:</b> Administrator, Legal Unit <b>Phone #:</b> 603-271-3137 <b>Fax#:</b> 603-271-8805 <b>E-mail:</b> ghamel@des.state.nh.gov
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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

**8. Summary explaining the effect of the rule:**

The rules implement RSA 483-B, the comprehensive shoreline protection act, which establishes standards for the subdivision, use, and development of the shorelands of New Hampshire's public waters. The existing rules will expire on November 26, 2004. The interim rules are necessary to continue rules in place while the rules are revised and readopted.

**9. Listing of people, enterprises, and government agencies affected by the rule:**

Any person, including businesses and municipalities, intending to undertake development activities in the protected shoreland zone may be affected by these rules.

**10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.**

Rule Section(s)	Statute(s) Implemented
Env-Ws 1401	RSA 483-B:1; RSA 483-B:2
Env-Ws 1402	RSA 483-B:4; RSA 483-B:17, X
Env-Ws 1403	RSA 483-B:5; RSA 483-B:9, V(a); RSA 483-B:17, VII; RSA 483-B:17, IX
Env-Ws 1404	RSA 483-B:9, V(c)
Env-Ws 1405	RSA 483-B:17, IV
Env-Ws 1406	RSA 483-B:11
Env-Ws 1407	RSA 483-B:9, V(g)
Env-Ws 1408	RSA 483-B:12
Env-Ws 1409	RSA 483-B:3; RSA 483-B:6

*11. Summary of the effect upon the state if the rule were not adopted:*

If the interim rules are not adopted, there will not be any guidance on replanting to meet the “well-distributed stand” requirement or on how to request a variance or urbanized shoreland exemption, and there will not be any restrictions on the extent of construction openings or the size or placement of accessory structures.

*12. Proposed date of review by the Joint Legislative Committee on Administrative Rules: **Nov. 18, 2004***

*13. The fiscal impact statement prepared by the Legislative Budget Assistant*

FIS # 04:207, dated 10/19/04 See attached.